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Am to 179

Proposition to exempt  
certain Homesteads from  
forced sale.

Per J. J. Ayers.

Oct 11. 78

Read & referred to  
Com on Land & Homestead  
Exemption

Thornbr  
4 ass Rec

Sam & Hon

Dec 14/78  
Reported back with  
Substitute Am 524

Smith

Ayers and see

Offered by James J. Ayers:

Homestead Exemption from forced sale.

Sec. No homestead, which is assessed at a less value than \$1,500 (one thousand five hundred dollars) in its entirety, shall be sold at forced sale for the recovery of the taxes levied thereon; but property, personal or real, other than that embraced in the homestead, and not otherwise exempt by law from seizure, shall be subject to forced sale for such homestead tax.

Committee on Land and Homestead Exemption.

Am to 180

Powers of Judicial  
the Peace

Oct 11/48

Read & referred  
to Com on Judiciary  
& Judicial Dept

Thomson

as rec

Nov 13. 48

Reported back with  
substitute Am to 503

Thomson

as rec

5/2nd

Barton  
Barton

Article —

Section —

### Powers of Justices of the Peace

Resolved, the Legislature shall have power to extend to justices of the peace jurisdiction (in all civil actions) to the amount of five hundred dollars and all commitments from a justice court for felonious crimes shall go direct to the district court for a speedy trial

Am to 181

Relating to Taxation

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Oct 11 / 98

Read & referred  
to Com on Revenue  
& Taxation

Thomson

as a rec

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Nov. 18, 1898

Reported back with  
substitute amend-  
ment No. 510.

J. M. Wright  
Asst. Secretary

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action

~~Barton~~  
Barton

Section - 2.

Relating to taxation

Resolved, taxation shall be equal and uniform throughout the state. all property shall be taxed according to its real or assessed value, and the word property is hereby declared to include, all money, bonds, mortgages, credits, stocks, dues and franchises, everything having a private ownership. Real personal and mixed taxing all lands of equal capacity equally, taxing improvements separately.

Oct 24. 78  
Reported back by the  
Com. without recom-  
mendation

Thornton  
Ass Rec

Am to 182  
Bill of

rights

Right of people  
to assemble

Oct 11. 78  
Read & referred to  
Com on Preamble &  
Bill of Rights  
Thornton  
Ass Rec

Pr 4 20 78

Beerstecher  
(Over)

# Bill of Rights

## Section —

The right of the people to peaceably assemble for any except immoral purposes shall in no wise be abridged, nor shall there be any manner of hindrance, molestation, or interference in this right.

Beentecher



~~Am 1. 1893~~  
Federal &

Mortgage sales

Oct 11/98  
Read & referred to  
Com on Judiciary  
& Judicial Department  
Thornton  
as sec

Nov 13. 98  
Reported back with  
substitute Am No 503  
by Thornton  
as sec

Beerstecher

Article         

Section         

In Judicial, or Mortgage sales of land, or interest in land, there shall be no right of entry until one year after sale. The debtor shall have the right to redeem any time within two years after sale.

Beesteker

Proposition No

October 1878

Am No 184

Misfeasance in Office  
punished as a felony  
Legislative Dept

Oct 11/78

Read & referred to  
Com on Legislative  
Department.

Thornton  
Asst Sec

Nov 11/78

Reported back with  
substitute Am No 501

S. J. Thornton  
Asst Sec

Peter Bell  
San Francisco

Proposition No

For incorporation in the Article on  
Legislative duties.

Section — Malfeasance in  
public office shall be punished  
as a felony, and it shall be  
the duty of the legislature to provide  
by appropriate legislation for the  
enforcement of this section

Peter Bell  
San Francisco

Am to 185

Amendments to  
Art. 9. of Constitu-  
tion relating to  
education.

Dec 13/78

Reported back  
with substitute  
AM # 523,  
Smith  
as per

Blackmer

San Diego

Oct 11 78

Read & referred  
to Com on Education

Thomson

Has in <sup>as per</sup> Committee  
Wm. <sup>as per</sup>  
Chas. Oct 17/78

10

Ed over

Blackmer

Amend. Art. 9. <sup>by introducing the fol-</sup>  
~~so as to read as fol-~~  
~~lowing sections:~~  
~~to wit.~~ — to wit.

Sec. —

~~Art.~~ A Superintendent of Public Instruction shall be elected by the qualified electors at the time and places, in the same manner, and for the same ~~term~~ <sup>term</sup> of office as the Governor. He shall receive ~~the~~ a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first day of December next after his Election.

Sec. —

A County Superintendent of schools for each county in the State shall be elected at the general election for Governor, by a vote of the qualified electors of each county, who shall hold office for four years, but the Legislature shall have power to consolidate two or more <sup>adjoining</sup> counties into one district of supervision.

Sec. —

The Legislature shall provide for a system of Public Schools, by which a free school shall be maintained for at least six months in each school district.

every year after the first year in which a school is established, and any school district, neglecting to keep up and support such a school, may be deprived of its proportion of the interest of the public fund during such neglect.

Sec.—

No public moneys shall ever be appropriated for the support, either directly or indirectly, of any religious sect or denomination whatever, nor for ~~any~~ the support of any school not under the direct and entire control of public school officers.

Am to 186

Right of Suffrage

Aug 8

Oct 11/8

Read referred to  
Com on Right of Suffrage  
Thornton

Asst Sec

Nov 13/8

Reported back with  
substitute Am to 304

Thornton

Asst Sec

Byggs for Lane



Article Two of a  
revised Constitution of  
the State of California  
Right of Suffrage suggested  
by J. H. Laine and intro-  
duced by M. C. Bogg  
Bellgate from Lake County  
County

ARTICLE II.

RIGHT OF SUFFRAGE.

SEC. 1. Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of this State one year next preceding the election, and of the county or district in which he claims his vote six months, and who shall be able to read and write the English language, and none other, shall be entitled to vote at all elections.

"SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom."

"SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger."

"SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison."

"SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector."

SEC. 6. All elections by the people shall be by ballot; every ballot voted shall be numbered and the number recorded by the election officers on the lists of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so in a judicial proceeding. In all cases of contested elections, the ballots cast may be counted, compared with the lists of voters, and examined under such safeguards and regulations as may be prescribed by law.

7 After the first day of January, eighteen hundred and eighty, every person who was not a qualified elector prior to that time shall in addition to the other qualifications required be able to read and write the English language in order to become an elector unless his inability to read and write be the result of physical disability.

Am to 1849

Revenue & Taxation

Captain

Oct 11. 78

Read ordered to  
leave on Revenue &  
Taxation

Thornton  
Ass Sec

Nov. 18, 1878

Reported back with  
substantive amend-  
ment No 519.

J. M. Wright  
Act. Secretary

Captain

Article — Section —

A license tax of not less than  
one tenth of one per centum shall  
be imposed upon all sales  
of ~~the~~ ~~Stock~~ Capital, Stocks of  
Corporations and joint Stock  
associations whose Stock shall  
have been listed at the Stock  
boards

Am As 188

Preamble & Declara<sup>tion</sup>  
of rights

Captles

Oct 11/98

Read & referred  
to Com on Preamble  
& Bill of Rights

Thornton  
as Sec

Oct 24. 98

Reported back by the  
Com without recom  
mendation

Thornton  
as Sec

Captles

Proposed Amendment to Section  
Eight (8) Article one (1) of the  
present Constitution add after  
Compensation in Eleventh line

Having been first made or  
second except in cases of war  
not fire or great public peril  
in which case Compensation shall  
be afterwards made

Amendment to Section Seventeen (17)  
Article one (1) add after "who are,"  
— in first line, —  
— "Entitled under the laws of  
the United States to become citizens  
thereof"

Am to 189

Industrial Department

---

Oct 11 78

Read referred  
to Com on Judiciary  
& Industrial Department

Thornton

Asst Sec

---

Nov 12 78

Reported back with  
Substitute Am to 503

14 Thornton  
Asst Sec

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Cross  
Indef Cross

# Judicial Department.

To Committee on Judiciary and Judicial  
Department.

Proposed amendment to ~~Article VII~~  
Section 13 of Article VII

Resolved that said section be amended  
so as to read as follows:

To Judicial Officer, ~~except Justice of  
Records and coroners~~ or Clerk of any  
Court of Record, or any executive officer  
of any court, shall receive any fee or  
charge or receive any fee for performing  
any duty pertaining to his office.



Am. No 190  
Proposition No  
Am. No 190

Dowling P.L.

Relative to  
Judicial Depart

Oct 11. 48

Read & referred  
to Com on Judiciary  
& Judicial Depart

Thomson  
Ass Rec

Nov 13. 48

Reported back with  
Substitute for No 503

15 Thomson  
Ass Rec

D  
Ingersoll  
Dowling

To be referred to Committee on Judiciary—

## Authorizing Speedy Judgment in Civil Cases.

Article No- Judgment in all Civil Cases shall be rendered within thirty days from the day that said Case or Cases shall have been placed on the Court Calendar, except by the mutual consent of both the plaintiff and defendant that the Case or Cases may go over to some future day.

By                      Dooling

Proposition No

Am to 191

Dowling R. G.

Relative to  
Corporation Dept

Oct 11 /8

Recd & referred  
to Com on Corporations  
other than Municipal  
Thomson  
as Recd

Read in Com  
E

Oct 30 /8

Reported back with  
a commendation that  
no further action be  
taken

16 Thomson  
as Recd

Corporations  
Dowling

# Authorizing the State, build and own Railroads

To Committee on Corporation

Read 1st

~~As the public highways of trade and travel should by right belong to the state and as the granting of charters and franchises to any individual or individuals to build construct equip and maintain public highways of trade and travel is injurious to the general public as past experience has clearly demonstrated, hence we should be governed by experience in future and avoid the blunders of the past by having the following article inserted in the new Constitution,~~

~~Article No. 44~~

Sec. 1

No charter or franchise of any kind, no right of eminent domain shall ever be granted to any Citizen or Citizens, individually or Collectively of this State or any other, for <sup>the</sup> Construction of any Railroad, wagon road, or any public highway of trade and travel other than Municipal, in this State,

Sec. 2

In the event of Circumstances necessitating the Construction of such highways. The State alone shall by virtue of its Sovereign authority authorize the Construction of said highways

Sec. 3

Said highways shall belong to the State and remain forever under its direct Control

Sec. 4

The legislature alone shall have power to order the Construction of said highways, given under the Great Seal of the State Signed by the

over

Governor, the Secretary of State and Surveyor General

Sec

The legislature shall have power to issue State warrants, bonds or Scrip for the faithful performance of the, redeemable in five, ten, fifteen or twenty years, provided however that all such warrants, bonds and Scrip must be issued in the name of the holder and to none but qualified citizens of the United States —

Sec

&

The rate of interest to be paid ~~on~~ by the state on such warrants bonds or Scrip shall not exceed Six per Cent per Annum —

Sec

&

The legislature shall provide that none but Competent Engineers and Superintendents under the direction of the Surveyor General shall have Charge of the work.

Sec

&

The legislature shall have power to Condemn private property and exercise the right of eminent domain, for the execution and Construction of such highways providing that the rights and privileges of private property shall be respected and the lawful owner thereof equitably compensated —

"

&

A Sinking fund shall be created for the payment of the indebtedness incurred in the building, constructing and equipping the said Highway —

By

P. J. Dowling

Am to 192

~~Proposition No~~

Concerning Mining Stocks  
and Stock Books

Oct 11 78

Read referred  
to Com on Corpora-  
tions other than  
Municipal

Thomson

as is

Read Oct 30 78  
Reported back with  
recommendation that no  
further action be taken

Thomson

as is

Introduced by  
John A. Eagon  
of Amador

Mr. President.

I propose that the following  
be made a part of the Constitution of this State:

No Corporation, board of trustees or directors,  
board of brokers, broker, individual, firm or  
Company shall deal, barter or trade in or  
assign any Certificate of Stock of any Mining  
Corporation or Company for a less sum of  
money than the face value of such Certificate.

No Mining Corporation shall increase or diminish  
its Capital Stock after the adoption of this  
Constitution.

The Legislature shall enact a law making any  
violation of this provision a felony.

J. A. Eagon

Am to 193

~~At~~ Resolution

Concerning the  
Legislative  
Department

Oct 11 78

Read & referred  
to Com on Legisla-  
tive Department

Thomlin  
and see

Nov 11 78

Reported back with  
substitute Am to  
50! Legislative  
Thomlin  
and see

Edgerton



## A Resolution relating to the Legislative Department

Resolved that the following provisions be adopted in that Article of the Constitution which relates to the Legislative Department.

1. Every law enacted by the legislature shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in a law, which shall not be expressed in the title, such law shall be void only as to so much thereof as shall not be expressed in the title; no law shall be revised or amended by reference to its title; but in such case the law revised, or section amended, shall be re-enacted and published at length.

Am No 194

## A Resolution Concerning the Judicial Department

Resolved that the follow-  
ing provisions be adopted  
in that Article of the Con-  
stitution which relates to  
the Judicial Department

Oct 11 48

Read & referred  
to Com on Judiciary  
& Judicial Department  
Thompson  
over seen

Nov 13 48

Reported back with  
substitute Am No 503  
Thompson  
assess

Edgerton

three of these methods, the necessary modifications will readily be understood and admitted.

To sum up, it will be seen that it is only proposed to change the form of nomination by which candidates for judicial office shall be presented to the people for their suffrages; and the advantage which is claimed is, that there will be great and enduring responsibility to public opinion and to individual conscience in the manner of the presentation.

S. HEYBENTZKY.

#### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in one Supreme Court, three Courts of Appeal, County Courts, Justices of the Peace, and such Police Courts for cities and towns as may be created by the Legislature, with such inferior jurisdiction as the Legislature may confer upon them.

SECTION 2. The Supreme Court shall consist of nine Associate Justices, seven of whom shall constitute a quorum, and shall have appellate jurisdiction from the three Courts of Appeal in the following cases:

*First.* In cases where a construction of the Federal or State Constitution is in dispute.

*Second.* In cases where one of the Justices of the Court of Appeals dissents from the decision of the majority, and gives a written opinion showing the reasons of his dissent.

*Third.* In cases where either Court of Appeals overrules a prior decision of the highest Court of the State, not previously overruled by the same Court.

*Fourth.* In cases where one of the Courts of Appeal decide a principle contrary to the decision of one of the other Courts of Appeal.

The concurrence of five of the Justices shall be necessary to render a decision.

SECTION 3. The State shall be divided by the Legislature into three Appellate Districts, each of which shall have one Court of Appeals, which shall be held by three of the Justices of the Supreme Court.

The Court of Appeals shall have Appellate Jurisdiction in all cases arising in the County Courts for the counties within the respective Appellate Districts, but cases may be transferred from one Court of Appeals to either of the others, whenever

it may be deemed proper by a majority of the Justices of the Court, or by virtue of such further regulations as the Legislature may prescribe, or by the consent and written stipulation of the parties to the cause, through their respective attorneys-at-law.

SECTION 4. There shall be one County Court for each County in the State, and as many more as may be necessary in those counties where the business requires greater judicial force, and each Court shall be held by one Justice.

SECTION 5. The County Courts shall have original jurisdiction in all cases arising in law, equity and probate, in all special cases, and in all criminal cases, excepting where money or property is in controversy, and the amount is less in value than three hundred dollars, without interest, and excepting also in such cases of misdemeanor as the Legislature may direct to be tried and punished before Justices of the Peace, or inferior Courts of cities and towns. The County Courts shall also have Appellate Jurisdiction from Justices of the Peace, and the inferior Courts of cities and towns, in such cases as the Legislature may prescribe.

SECTION 6. There shall be no terms of the County Courts, but the Courts shall always be open for the transaction of business, excepting on days established by law as non-judicial, and during such vacations as the Legislature may see proper to grant:

SECTION 7. The jurisdictional power of the Justices of the County Courts shall be co-extensive with the State, and they may freely interchange with one another in the performance of their duties.

In case of sickness, absence or other incapacity of a Justice of the County Court, his Court may be held by any other Justice of a County Court.

SECTION 8. The Supreme Court, the Courts of Appeal, the County Courts, and each of the Justices of all of said Courts shall have power to issue writs of Habeas Corpus, Injunction, Ne Exeat, Mandamus, Quo Warranto, Certiorari, and all other writs and process which may be necessary in aid of the jurisdiction of the respective Courts, and whenever the apparent justice of a complaint or petition ought to have a remedy administered, and none of the writs heretofore in use affords the proper remedy, it shall be the duty of the Court or Justice having jurisdiction, to frame a writ which will meet the necessities of the case.

SECTION 9. Each county shall have as many Justices of the Peace as the Legislature may prescribe.

Their jurisdiction shall extend to all cases where the matter in controversy does not exceed three hundred dollars, without interest, and to such cases of misdemeanor and special cases as shall be fixed by law.

SECTION 10. The right of trial by jury shall be inviolate in all cases of felony, in such cases of misdemeanor as the Legislature may determine, in

all civil actions sounding in tort, and in all cases arising from breach of contract where punitive or exemplary damages are sought to be recovered. But the Legislature shall have power to fix and determine the character and qualification of jurors, the number which may constitute a jury, and the number whose concurrence shall be necessary to render a verdict.

SECTION 11. In counties where there is more than one County Court, the Legislature may prescribe to any one or more of said Courts a preference calendar for any particular class of cases.

SECTION 12. The style of all process shall be "The People of the State of California."

#### ELECTION OF JUDGES.

SECTION 13. Justices of the Supreme Court shall be elected by the qualified electors of the State at large, and Justices of the County Courts shall be elected by the qualified electors of the respective counties in which they are to serve. subject, however, in both cases to the following regulations:

*First.* For each Justice of the Supreme Court or County Court to be elected, the Governor of the State shall nominate to the two Houses of the Legislature the names of two fit and proper persons, who shall be known as judicial proponents.

*Second.* Each House shall refer the nominations so made to its Judiciary Committee, who

shall investigate and report as to the qualifications and fitness of the persons so nominated, whereupon each House shall by ballot vote either to confirm or reject either or all of the proponents.

*Third.* In case of rejection of a proponent by either House, the Governor shall make another nomination.

*Fourth.* When the nomination of two proponents shall be confirmed by the two Houses of the Legislature, the two proponents so confirmed shall be the candidates for election, and the only qualified candidates for election before the qualified electors entitled to vote for the Justice to be supplied, and the one receiving a majority or plurality of the votes cast to fill the office shall be declared to be elected, and shall be commissioned in due form under the great seal of the State.

*Fifth.* Where more than one Justice of the Supreme Court, or more than one Justice of the County Court for the same county are to be elected at the same time, the nominations to be made by the Governor shall be twice the number to be elected, without any other designation, direction or qualification.

SECTION 14. The Justices of the Supreme Court shall hold office during good behavior.

The Justices of the County Courts shall hold office for six years from the first day of January after election.



SECTION 15. The Justices of the Supreme Court and County Courts shall not be eligible to hold any other office.

SECTION 16. Immediately after the first election and qualification of the Justices of the Supreme Court under this Constitution, the Governor of the State shall assign three of said Justices to each of the appellate districts to serve as Justices of the Court of Appeals, but the Justices of the Courts of Appeal shall be permitted to interchange with each other for temporary service whenever they may deem it proper to do so.

SECTION 17. The Supreme Court and the three Courts of Appeal shall meet and hold court for the transaction of business at such times and places as the Legislature may direct.

SECTION 18. In cases of vacancy by death, absence, resignation or removal from office, if of a Justice of the County Court, the Governor shall fill the vacancy for the remainder of the existing term; if of a Justice of the Supreme Court, until the first day of January after the next general election succeeding the next meeting of the Legislature after the vacancy occurs.

#### IMPEACHMENT OF JUDGES.

SECTION 19. Justices of the Supreme Court, of the Courts of Appeal, and of the County Court, may be impeached and removed from office for the following causes:

*First.* For bribery, partiality, or other corrupt conduct.

*Second.* For habitual drunkenness.

*Third.* For ignorance or incompetency.

*Fourth.* For general or frequent neglect of duty, or unnecessary delays in trying or deciding causes.

*Fifth.* For any conduct unbecoming a Justice or a gentleman.

SECTION 20. The method of impeaching a Justice shall be by presenting a complaint containing specific charges and duly verified by the oaths of two reputable persons, to the Governor of the State.

The complaint shall also contain the names of witnesses who can prove the charges. If the charges are actionable, the Governor shall, in writing, direct the Attorney General to have a copy of the complaint served upon the accused Justice and shall, at the same time, constitute a special Court, to be composed of nine members of the Bar, to be selected by him, before whom the accused shall be tried, and shall appoint a time and place of trial, provided that when a Justice of the County Court is the accused, the place of trial shall not be in the County where he presides; and when the accused is a Justice of the Supreme Court, or Court of Appeals, the trial shall take place either at the Seat of Government, or in the City of San Francisco.

The Attorney General, and such other counsel as he may associate with himself, shall prosecute on behalf of the people. The accused shall have the right to plead, answer, or demurr to the complaint and to be represented by counsel, and shall have all the rights which are usual in the progress of the trial at criminal cases.

He shall also have the right to object to any member of the Court on the ground of personal animosity, ill feeling, prejudice, or the previous formation and expression of an opinion adverse to the accused; and when such objection is allowed by the majority of the Court, and in any case where, from any proper reason, either or any of the persons constituting the Court are unable to serve, the Governor shall fill such vacancies by the appointment of other members of the Bar.

A majority of two-thirds of the Court shall be necessary to render a judgment of guilty against the accused Justice.

The proceedings of the Court, together with the pleadings, evidence and the judgment of the Court, shall be sent to the Governor of the State; and when the judgment is against the accused, it shall be the duty of the Governor to make an order removing the Justice from his office.

The Legislature shall have power to prescribe such additional forms of procedure as may be necessary in such cases.

Am to 194

12

SECTION 21. The Legislature shall provide for the trial and removal from office of Justices of the Peace, by information before the County Courts, for any of the causes prescribed for the impeachment of Justices of the County Courts, and for such other causes as it may deem proper.

*A Resolution Concerning the  
Judicial Department-*

*19  
Judiciary*

*Edgerton-*